

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14218 of Donald L. Witz and Yoo K. Kim, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the lot occupancy requirements (Sub-section 3303.1) for a proposed rear addition to a row dwelling in an R-4 District at the premises 302 10th Street, S.E., (Square 970, Lot 15).

HEARING DATE: December 12, 1984  
DECISION DATE: January 9, 1985

FINDINGS OF FACT:

1. The subject premises is located on the east side of 10th Street, S.E. between C Street on the north and South Carolina Avenue on the south. The site is in an R-4 District and is known as premises 302 10th Street, S.E.

2. The subject site is rectangular in shape. Its dimensions are eighty feet on the north and south sides and sixteen feet on the east and west sides. The lot area is 1,280 square feet.

3. The site is improved with a single-family row dwelling. The subject dwelling is a two story brick structure with a one-story projection at the rear. A stone paved patio adjoins the rear of the dwelling.

4. There is access to and from the subject site through 10th Street on the west and through a public alley on the east.

5. The applicants were previously granted an area variance in BZA Case No. 13813, dated January 18, 1983, which permitted them to construct a one-story unenclosed open porch at the rear of their dwelling. The Board hereby incorporates by reference its findings in BZA Order No. 13813.

6. In the two-and-one half years since the prior application was granted, the applicants have found that the relief provided by BZA Order No. 13813 has proved to be insufficient to resolve their practical difficulties in utilizing their property. The narrowness and small area of the nonconforming lot continue to have an adverse impact on the utilization of the rear yard as open space. The adjoining dwellings obstruct light and air from reaching the ground level open porch.

7. The applicants now propose to enclose the existing ground level porch and to construct a second story porch above that. The proposed construction requires a variance from the lot occupancy requirements of Sub-section 3303.1 of the Zoning Regulations.

8. The proposed construction does not increase the lot occupancy above that already approved by the Board in the prior application.

9. The Board of Zoning Adjustment has the power to grant variances under Paragraph 8207.11 of the D.C. Zoning Regulations which provides that where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of the Zoning Regulations would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, the Board may grant a variance from such strict application so as to relieve such difficulties or hardship, provided such relief can be granted without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the zoning regulations and map.

10. The Board finds that the nonconforming width and size of the site result in continuing practical difficulties to the applicants in utilizing their property for a permitted purpose. The Board finds that further relief is necessary to alleviate these practical difficulties to the applicants.

11. Advisory Neighborhood Commission 6B, by letter dated November 16, 1985, expressed support for the application. The support was based on the fact that the ANC's Planning and Zoning Committee and the neighbors directly affected support the application. The Board concurs with the recommendation of ANC 6B.

12. Two neighbors submitted letters in support of the application. Their support was based on the opinion that the proposed addition will not affect light and air to the neighbors' properties. The neighbors expressed their wholehearted support for approval of the application.

13. A petition of support was submitted to the record containing five signatures. The petition indicated that the signers had reviewed the plans for the proposed addition and that they had no objections to the plans or to the variance necessary to permit the proposed construction.

14. There was no opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicants are seeking an area variance, the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical conditions. The Board further must find that the relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent and purpose of the zone plan.

The Board concludes that the applicants have met this burden of proof in showing a practical difficulty inherent in the property. The narrowness and small size of the existing historic site are exceptional conditions which cause practical difficulties to the applicants in utilizing the site for a purpose permitted by the zoning regulations.

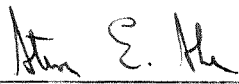
The Board further concludes that granting the proposed relief will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan. The granting of this area variance will permit a reasonable use of private property which has the support of ANC 6B and of interested neighbors. The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled by law.

Accordingly, it is hereby ORDERED that the application is GRANTED.

VOTE: 4-0 (Charles R. Norris, William F. McIntosh, and Carrie L. Thornhill to grant; Lindsley Williams to grant by proxy; Douglas J. Patton not voting, not having heard the case)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
\_\_\_\_\_  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: \_\_\_\_\_

5 MAR 1985

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

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THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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Government of the District of Columbia  
ZONING COMMISSION

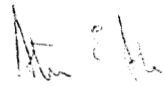


BZA APPLICATION NO. 14218

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that copies of the Order of the Board in the above numbered case, said Order dated 5 MAR 1985, have been mailed postage prepaid to the following parties who appeared and participated in the public hearing concerning this matter.

Mr. Donald Witz  
302 - 10th St., S.E.  
Wash., D.C. 20003

Ms. Eileen Scott  
ANC 6B  
921 Pennsylvania Ave., S.E.  
Wash., D.C. 20003

  
\_\_\_\_\_  
STEVEN E. SHER  
EXECUTIVE DIRECTOR

Date: \_\_\_\_\_

5 MAR 1985